

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II are related as process of making and product made under M.P.E.P. § 806.05(f) and that the product, as claimed, can be made by another and materially different process, because the product requires conductive carbons while the process requires linear carbon structures, which can be different materials.

However, it is clear that the process of making the pressure-welded semiconductor device of Group II produces the product of Group I, because the “linear carbon structures” recited in the claims of Group II may be conductive carbons, as stated on page 5, lines 16-19 of the specification. Therefore, the Examiner has not met the requirement of M.P.E.P. § 806.05(f) of showing another and materially different process of making the product, as claimed, of Group I. It is requested that the claims of Groups I and II be rejoined and examined in the present application.

Further, Applicants traverse the Restriction Requirement on the grounds that thousands of U.S. patents have issued in which many more than two subclasses have been searched, and the Patent and Trademark Office cannot reasonably assert that an undue burden exists in searching only two subclasses.

Finally, if the claims of Group I are ultimately found allowable, it is requested that the claims of Group II be rejoined under M.P.E.P. § 821.04 and allowed in the present application, also.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



Roland E. Martin  
Registration No. 48,082

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)